

Chapter 6

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

- Sec. 6-1. Office of city building official created; appointment, term, qualifications and general duties.
- Sec. 6-2. International codes.
- Sec. 6-3. Fees for plan review, permit, and inspections.
- Sec. 6-4. Inspection of building operations generally.
- Sec. 6-5. Certificate of completion as prerequisite to turning on utilities.
- Sec. 6-6. Utilities with underground systems to be notified of excavation or demolition operations.
- Secs. 6-7—6-31. Reserved.

Article II. Code Enforcement

- Sec. 6-32. Purpose.
- Sec. 6-33. Definitions.
- Sec. 6-34. Obligations of property owners; remedies and penalties.
- Sec. 6-35. Enforcement.
- Sec. 6-36. Service of complaints or orders; posting and filing copies.
- Sec. 6-37. Power of municipality to declare nuisances not impaired.
- Sec. 6-38. Article provisions are cumulative.
- Sec. 6-39. Construction against implied repeal.
- Secs. 6-40—6-70. Reserved.

Article III. Building Code Board of Adjustment and Appeals

- Sec. 6-71. Membership.
- Sec. 6-72. Terms.
- Sec. 6-73. Quorum and voting.
- Sec. 6-74. Secretary of board.
- Sec. 6-75. Powers.
- Sec. 6-76. Appeals of decision of the building official.
- Sec. 6-77. Variances.
- Sec. 6-78. Conditions of the variance.
- Sec. 6-79. Notice of appeal.
- Sec. 6-80. Unsafe or dangerous buildings or service systems.
- Sec. 6-81. Procedures of the board.

***State law references**—Enforcement of building codes by local governments, S.C. Code 1976, § 6-9-10; codes applicable to building inspections, S.C. Code 1976, § 6-9-130; building codes amendment procedure, S.C. Code Reg. 8-240; qualifications for building codes amendments, S.C. Code Reg. 8-245; local adoption of building codes, S.C. Code Reg. 8-265; dwellings unfit for human habitation, S.C. Code 1976, § 31-15-10 et seq.; municipality may not enforce national building code provisions regulating farm structures, S.C. Code 1976, § 6-9-65(B); municipal responsibility to enforce barrier-free building design standards, S.C. Code Reg. 19-400.3(B).

GAFFNEY MUNICIPAL CODE

Secs. 6-82—6-105. Reserved.

Article IV. Property Maintenance (Reserved)

ARTICLE I. IN GENERAL**Sec. 6-1. Office of city building official created; appointment, term, qualifications and general duties.**

(a) There is hereby created and established the office of building official, who shall be employed by the city administrator, and who shall serve and hold office at the will and discretion of the city administrator.

(b) The building official shall be of good character and shall be versed in the approved methods of building, electrical, plumbing and gas construction and installation and the statutes, laws and ordinances of the state and the city relating to building, electrical, plumbing and gas work. He shall be qualified to perform the duties of a building, electrical, plumbing and gas inspector.

(c) It shall be the duty of the building official to see to the enforcement of all ordinances and provisions relating to building or zoning.

(Code 1964, § 5-6; Code 1980, § 5-1)

Sec. 6-2. International codes.

(a) The following codes and appendices are hereby adopted and incorporated by reference as though fully contained in this Code:

(1) The following shall become effective January 1, 2005:

- a. 2003 International Building Code;
- b. 2003 International Fire Code;
- c. 2003 International Plumbing Code;
- d. 2003 International Mechanical Code;
- e. 2003 International Energy Efficiency Code;
- f. 2003 International Property Maintenance Code; and
- g. 2003 International Existing Building Code.

(2) The following shall become effective July 1, 2005:

- a. 2003 International Residential Code;
- b. Appendix G, Swimming Pools, Spas and Hot Tubs; and
- c. 2003 International Fuel Gas Code.

(3) The provisions of the above codes and the codes adopted by the South Carolina Building Codes Council concerning the qualification, removal, dismissal, duties, responsibilities of, and administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors, and assistants are not adopted. Included in the administrative procedures not adopted are any such sections of the above codes regarding the composition and procedures of a board of adjustments and appeals.

(4) All appendices to the above International Codes previously adopted and all other provisions of this section except as modified herein shall remain in full force and effect.

(b) Any person who shall violate a provision of this section, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this section is committed or continued, and upon conviction of any such violation such person shall be punished by a fine of not more than \$500.00 or imprisonment for not more than 30 days. Before being charged with a second violation, an individual shall be given seven calendar days to remedy the violation if, in the opinion of the inspector or official, it does not place the public in imminent danger or create an emergency situation. Each day a violation continues is a separate offense if the inspector or official determines the situation places the public in imminent danger or creates an emergency situation. In a situation which does not place the public in imminent danger or create an emergency situation, if in the opinion of the inspector or official no substantial progress is made toward correcting the violation by the end of the seventh calendar day, each day the violation continues thereafter is considered a separate offense.

(c) When reference is made in the International, National, Model or City of Gaffney Code to the duties of certain officials named therein, such designated official shall be the person designated by the city administrator. In the event no designation is made by the city administrator, such designated official shall be the person whose duties most closely correspond to those of the named official in said codes.

(d) In the event that any provisions of this section conflict with the provisions of any other city ordinance including any international, national, or model codes adopted by reference, the provisions of this section shall prevail.

(Code 1980, § 5-3; Ord. No. 2004-19, § I, 12-6-2004)

State law references—General authority of city to adopt international codes or technical regulations by reference, S.C. Code 1976, § 5-7-280; specific provisions concerning building code, S.C. Code 1976, § 6-9-10 et seq.

Sec. 6-3. Fees for plan review, permit, and inspections.

(a) *Plan review fee.* A plan review fee is one-half of the building permit fee cost and is based on the total cost of the undertaking.

- (1) A plan review is valid for six months.
- (2) A resubmittal fee may be imposed after two reviews. If applicable, the resubmittal fee will be one-half the original plan review fee.

(b) *Building, mechanical and land disturbance permit fee.* The permit fee for any type of construction (including land disturbance), repair or alteration which is not otherwise provided for in this section shall be based on the following scale:

<i>Total Valuation</i>	<i>Fee</i>
Issuing permit	\$25.00

<i>Total Valuation</i>	<i>Fee</i>
\$1,000.00 to \$49,999.00	\$25.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof.
\$50,000.00 to \$99,999.00	\$275.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof.
\$100,000.00 to \$499,999.00	\$475.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof.
\$500,000.00 and up	\$1,675.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

No fee or permit is required if:

- (1) Project cost is less than \$1,000.00.
 - (2) No inspection is required.
- (c) *Electrical Fee.* The permit fee for electrical permits is as follows:

(1)	Issuing permit	\$25.00
(2)	Plus the following, when provided:	
	Services:	
	Residence by ampere	\$0.15 per amp.
	Commercial by ampere	\$0.20 per amp.
	Branch circuits (For each branch circuit over current device)	Residential Commercial
	Per pole	\$1.25 \$1.75
	Temporary power pole	\$25.00

No fee or permit is required if:

- (1) Project cost is less than \$200.00.
 - (2) No inspection is required.
- (d) *Plumbing fee.* The permit fee for plumbing permits is as follows:

(1)	Issuing permit	\$25.00
(2)	Plus the following when provided:	
	For each plumbing fixture, floor drain or trap (including water and drainage pipe)	\$4.00 each
	For each sewer pipe having to be replaced, repaired or new	\$5.00 each
	For each cesspool, septic tank and seepage pit or drainfield	\$7.50 each
	For each water heater	\$4.00 each
	For repair or alteration of drainage, vent or supply piping	\$5.00 each
	Lawn sprinkler system or pool	\$10.00 each

	Underground fire suppression	\$10.00 each
--	------------------------------	--------------

No fee or permit is required if:

- (1) Project cost is less than \$200.00.
- (2) No inspection is required.

(e) *Sign fee.* The permit fee for signs and banners shall be as follows:

- (1) Portable or trailer type signs \$50.00
In addition, a deposit is required in the amount of \$100.00 to guarantee that a portable or trailer type sign is removed upon the expiration of the permit.
- (2) All other signs under ten feet in height \$10.00
- (3) Signs over ten feet in height must obtain a building permit instead of a sign permit, and the sign is reviewed and permitted as a structure.
- (4) Banners \$100.00

(f) *Other permit fees.*

- (1) *Moving fee.* For the moving of any building or structure onto a city parcel, the permit fee shall be \$100.00.
- (2) *Demolition fee.* For the demolition of any building or structure, the permit fee shall be \$50.00.
- (3) *Cellular communications towers.* The permit fee for construction of a cellular communications tower shall be \$10,000.00.

(g) *Fee when permit not obtained prior to commencement of work.* Where work for which a permit is required by this Code is started prior to obtaining said permit, the fees specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties described herein.

(h) *Reinspection fee.* A reinspection fee of \$25.00 may be imposed after two inspections on the same item, or if the job is not ready when inspection is scheduled.

(i) *Business license/safety inspection; reinspection.* A business license/safety inspection is included in the business license fee. However, a reinspection fee of \$25.00 may be charged on a business license/safety inspection if more than two inspections are required.

(j) *Duration.* A permit or plan review is valid for six months of activity and then becomes null and void.

(Code 1980, § 5-4; Ord. No. 1998-4, §§ 3—6, 4-6-1998; Ord. No. 1998-15, 12-7-1998; Ord. No. 1999-5, 2-11-1999; Ord. No. 2009-5, § 5-4, 8-3-2009)

Sec. 6-4. Inspection of building operations generally.

The city inspector shall inspect all buildings or structures being erected or altered, as required by the building code and as frequently as may be necessary to ensure compliance with city ordinances.

(Code 1964, § 5-6; Code 1980, § 5-5)

Sec. 6-5. Certificate of completion as prerequisite to turning on utilities.

No water, electricity or gas shall be turned on for service on premises without first obtaining written approval from the city.

(Code 1964, § 5-6; Code 1980, § 5-6)

Sec. 6-6. Utilities with underground systems to be notified of excavation or demolition operations.

(a) The purpose of this section is to prevent injury to persons and damage to property resulting from damage to underground utilities, including natural gas lines, sewers, water systems, power lines, telephone cables, cable television and lines of a similar nature, resulting from excavating operations or the demolition of structures.

(b) It shall be unlawful for any person to demolish any building or make any excavation in any street, alley or public place, without first having notified all local utilities having underground facilities. The notice shall contain, at a minimum, the following information:

- (1) The name of the person making notification;
- (2) The party he represents;
- (3) The nature of the proposed work;
- (4) The location of the proposed work; and
- (5) The date the work is to commence.

(c) Any person who maintains pipes, lines or other underground facilities may proceed with an excavation, without notification, when an emergency exists which endangers life, health or property and circumstances demand that the work be done immediately, and the notice required by this section cannot reasonably and practicably be given beforehand. In such case, efforts to notify the appropriate utilities shall commence immediately and shall continue until the notice is made, even during the time the excavation is being made.

(Code 1980, § 5-8; Ord. No. 1978-3, §§ 1—3, 7-18-1978)

Secs. 6-7—6-31. Reserved.

ARTICLE II. CODE ENFORCEMENT

Sec. 6-32. Purpose.

(a) The city finds that there exists within the city certain real properties, structures, and dwellings which are unfit for human habitation due to:

- (1) Dilapidation;
- (2) Defects increasing the hazards of fire, accidents or other calamities;
- (3) Lack of ventilation, light or sanitary facilities; or
- (4) Other conditions rendering such structures or dwellings unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the city.

(b) The city also finds that there exists within the city vacant lots and other unimproved real estate which is unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the city.

(c) The purpose of this article is to promote the orderly and efficient administration and enforcement of city ordinances regulating the construction, use and maintenance of improved and unimproved land, including buildings, improvements, and appurtenances thereon located within the city, and to further provide for, promote, preserve and protect the health, safety, and welfare of the general public and the owners and occupants of property, and to preserve and protect property values within the city, and to ensure that all persons are afforded due process and equal protection of its laws, and to provide procedures which are as uniform as practical for the enforcement of, and penalties for violation of, all of the international, standard, national, model, and city codes and ordinances regulating the construction, use and maintenance of property, including, but not limited to, the following codes and ordinances, regardless of whether such code or ordinance was adopted before or after the ordinance from which this article is derived:

- (1) All international codes adopted pursuant to section 6-2.
 - (2) Zoning ordinance.
 - (3) Land development ordinance.
 - (4) Discharges of wastes.
 - (5) Obstruction of drainage.
 - (6) Sanitary maintenance of premises and vacant lots.
 - (7) Nuisances.
 - (8) Storage of certain equipment and motor vehicles.
- (Code 1980, § 5-172; Ord. No. 1998-5, 4-20-1998)

Sec. 6-33. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building official means the duly appointed building official for the city and/or his authorized agents, deputies, employees and assistants, and/or the chief of police and other law enforcement officers and personnel for the city. The term "building official" is synonymous with the terms "building inspector," "city inspector," and "public officer."

Hearing officer means the person designated by the city administrator to conduct the hearings described in this article and issue orders pursuant thereto.

Noncomplying property means any real property which is unfit for human habitation due to:

- (1) Dilapidation;
- (2) Defects increasing the hazards of fire, accidents or other calamities;
- (3) Lack of ventilation, light or sanitary facilities; or
- (4) Other conditions rendering such property, structures or dwellings unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the city or which fails in any manner to comply with any of the provisions of this Code, including, but not limited to, any standard, national, model, or local codes adopted therein, and the laws of the state.

Notice of violation and *notice* mean the formal written notice issued by the building official directing the owner to correct deficiencies in noncomplying property. The term "notice of violation" shall be synonymous with a complaint and an order of the building official.

Owner means holder of the title in fee simple and every mortgagee of record.

Parties in interest means all individuals, associations, corporations and others who have interests of record and any who are in possession thereof.

Property means any real property and any building, dwelling, structure, improvement, appurtenances, or part thereof, located thereon within the city limits.
(Code 1980, § 5-173; Ord. No. 1998-5, 4-20-1998)

Sec. 6-34. Obligations of property owners; remedies and penalties.

It shall be the obligation and duty of every owner of property within the city to construct, keep, and maintain his property in compliance with the applicable ordinances of the city and the laws of the state, and prevent conditions which are dangerous, inimical or injurious to the health, safety, or welfare of the occupants of such property, the occupants of neighboring properties or other residents of the city. Such conditions include the following (without limiting the generality of the foregoing):

- (1) Defects therein increasing the hazards of fire, accident or other calamities;
- (2) Lack of adequate ventilation, light or sanitary facilities;

- (3) Dilapidation;
- (4) Disrepair;
- (5) Structural defects;
- (6) Uncleanliness.

(Code 1980, § 5-174; Ord. No. 1998-5, 4-20-1998)

Sec. 6-35. Enforcement.

(a) The building official is authorized to enforce the provisions and exercise the powers prescribed by this article.

(b) Whenever the building official finds that there exists property which fails to comply with any of the provisions of this Code, including, but not limited to, any standard, national, model, or local codes adopted therein, or the laws of the state, rendering such property unsafe or unsanitary, dangerous or otherwise detrimental to the health, safety, welfare, well-being, or inimical to the general welfare of the city or its residents or the owner or occupants of such property, or the property otherwise fails to comply with the applicable ordinances of the city, the building official may exercise the powers provided herein to cause the repair, alteration, improvement, maintenance, closing, or demolition of any such property in the manner herein provided.

(c) The building official is authorized to enter upon any property within the city for the purpose of inspecting the same to determine its compliance with the provisions of this Code and the laws of the state. The building official is also authorized to enter upon any property within the city for the purpose of enforcing compliance with any notice issued pursuant to this article or any other provisions hereof. Should any person refuse to allow the building official to enter upon the property for such inspection or enforcement, or otherwise impede, hinder, or interfere with the building official in the performance of his duties, the building official may procure from a court of competent jurisdiction an order restraining and enjoining such person from such actions.

(d) Whenever it appears to the building official that a property is not in compliance with this Code or state law, the building official shall, if his preliminary investigation discloses a noncomplying property, issue and cause to be served upon the owner of and all parties in interest in such property a complaint stating the charges in that respect and containing a notice that a hearing will be held before the hearing officer or his designated agent at a place therein fixed not less than ten days nor more than 30 days after the serving of such complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the hearing officer.

(e) If after such notice and hearing, the hearing officer determines that the property under consideration is unfit for human habitation, or is in violation of any of the codes or ordinances described in section 6-34, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

- (1) If the repair, alteration or improvements of the dwelling or structure can be made at a reasonable cost in relation to the value of the dwelling or structure, requiring the owner, within the time specified in the order, to repair, alter or improve such dwelling or structure to render it in compliance or to vacate and close the dwelling or structure;
- (2) If the repair, alteration or improvement of the dwelling or structure cannot be made at a reasonable cost in relation to the value of the dwelling or structure, requiring the owner, within the time specified in the order, to remove or demolish such dwelling or structure; or
- (3) In the case of unimproved property, requiring the owner to remedy the violations and bring the property into compliance.

(f) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling or structure, within the time specified in the order, the public officer may cause such dwelling or structure to be repaired, altered or improved or to be vacated and closed; the building official may cause to be posted on the main entrance of any dwelling or structure so closed, a placard with the following words: "This property is not in compliance with the city Code. The use or occupancy of this property is prohibited and unlawful."

(g) If the owner fails to comply with an order to remove or demolish the dwelling or structure, within the time specified in the order, the building official may cause such dwelling or structure to be removed or demolished.

(h) In the case of unimproved property, if the owner fails to comply with an order to remedy the violations and bring the property into compliance within the time specified in the order, the building official may cause the violations to be remedied and the property brought into compliance.

(i) The amount of the cost of such repairs, alterations or improvements, vacating and closing, removal or demolition or the cost of otherwise bringing the property into compliance, shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as municipal taxes.

(Code 1980, § 5-175; Ord. No. 1998-5, 4-20-1998)

Sec. 6-36. Service of complaints or orders; posting and filing copies.

Complaints issued by the building official or orders issued by the hearing officer shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and cannot be ascertained by the building official or hearing officer in the exercise of reasonable diligence and the building official or hearing officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two consecutive weeks in a newspaper published in

the city or, in the absence of such newspaper, in one published in the county and circulating in the city. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the clerk of court for the county in which the property is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(Code 1980, § 5-176; Ord. No. 1998-5, 4-20-1998)

Sec. 6-37. Power of municipality to declare nuisances not impaired.

Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Code 1980, § 5-178; Ord. No. 1998-5, 4-20-1998)

Sec. 6-38. Article provisions are cumulative.

Nothing in this article shall be construed to abrogate or impair the powers of the city or its departments to enforce any provisions of its Charter or its ordinances or regulations, or to prevent or punish violations thereof and the powers conferred by this article shall be cumulative to in addition to the powers conferred by any other law or ordinance.

(Code 1980, § 5-179; Ord. No. 1998-5, 4-20-1998)

Sec. 6-39. Construction against implied repeal.

This article is a general ordinance intended as unified coverage of its subject matter and no part of it shall be deemed impliedly repealed by subsequent legislation if it can reasonably be avoided; the administrative, procedural, and penal portions of subsequently enacted ordinances adopting later versions of standard, national, model or local codes shall not be construed so as to repeal, by implication or otherwise, the administrative, procedural, and penal provisions in this article.

(Code 1980, § 5-180; Ord. No. 1998-5, 4-20-1998)

Secs. 6-40—6-70. Reserved.

ARTICLE III. BUILDING CODE BOARD OF ADJUSTMENT AND APPEALS

Sec. 6-71. Membership.

The building code board of adjustment and appeals shall consist of seven members appointed by city council. All current members shall continue to serve until their terms expire. Such board members shall be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. A board member shall not act in a case in which he has a personal or financial interest.

(Code 1980, § 5-191; Ord. No. 1998-4, § 6, 4-6-1998)

Sec. 6-72. Terms.

The terms of office of the members of the building code board of adjustment and appeals shall be as established by city council. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall, at the discretion of the city council, render any such member subject to immediate removal from office.

(Code 1980, § 5-192; Ord. No. 1998-4, § 6, 4-6-1998)

Sec. 6-73. Quorum and voting.

A simple majority of the building code board of adjustment and appeals shall constitute a quorum. In varying any provision of this Code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required.

(Code 1980, § 5-193; Ord. No. 1998-4, § 6, 4-6-1998)

Sec. 6-74. Secretary of board.

The building official shall act as secretary of the building code board of adjustment and appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

(Code 1980, § 5-194; Ord. No. 1998-4, § 6, 4-6-1998)

Sec. 6-75. Powers.

The building code board of adjustment and appeals shall have the power, as further defined hereinbelow, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

(Code 1980, § 5-195; Ord. No. 1998-4, § 6, 4-6-1998)

Sec. 6-76. Appeals of decision of the building official.

The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the building code board of adjustment and appeals whenever any one of the following conditions are claimed to exist:

- (1) The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
- (2) The provisions of this Code do not apply to this specific case.
- (3) That an equally good or more desirable form of installation can be employed in any specific case.

- (4) The true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.
(Code 1980, § 5-196; Ord. No. 1998-4, § 6, 4-6-1998)

Sec. 6-77. Variances.

The building code board of adjustment and appeals, when so appealed to and after a hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

- (1) That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
- (2) That the special conditions and circumstances do not result from the action or inaction of the applicant.
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other buildings, structures or service system.
- (4) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
- (5) That the grant of the variance will be in harmony with the general intent and purpose of this Code and will not be detrimental to the public health, safety and general welfare.

(Code 1980, § 5-197; Ord. No. 1998-4, § 6, 4-6-1998)

Sec. 6-78. Conditions of the variance.

In granting the variance, the building code board of adjustment and appeals may prescribe a reasonable time limit which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of the conditions of a variance shall be deemed a violation of this Code.

(Code 1980, § 5-198; Ord. No. 1998-4, § 6, 4-6-1998)

Sec. 6-79. Notice of appeal.

Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official.
(Code 1980, § 5-199; Ord. No. 1998-4, § 6, 4-6-1998)

Sec. 6-80. Unsafe or dangerous buildings or service systems.

In the case of a building, structure or service system which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in his order, limit the time for such appeals to a shorter period.

(Code 1980, § 5-200; Ord. No. 1998-4, § 6, 4-6-1998)

Sec. 6-81. Procedures of the board.

(a) *Rules and regulations.* The building code board of adjustment and appeals shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Code. The board shall meet on call of the chairperson, vice-chairperson, or building official. The board shall meet within 30 calendar days after notice of appeal has been received.

(b) *Decisions.* The building code board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this Code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept in the office of the building official after filing. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

(Code 1980, § 5-201; Ord. No. 1998-4, § 6, 4-6-1998)

Secs. 6-82—6-105. Reserved.

ARTICLE IV. PROPERTY MAINTENANCE (RESERVED)



Chapter 7

RESERVED

